

**ORIGINAL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMUEL L. JONES JR., )

Plaintiff, )

- against - )

INFINITY BROADCASTING CORP. OF )  
WASHINGTON, D.C. n/k/a C.B.S. RADIO )  
INC. OF WASHINGTON, D.C., )

Defendant. )

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>7/25/07</u>

07 Civ. 5693 (BSJ)

BOND NO. 104913898

PRELIMINARY INJUNCTION

WHEREAS, the above named Defendant INFINITY BROADCASTING CORP. OF WASHINGTON, D.C. n/k/a C.B.S. RADIO INC. OF WASHINGTON, D.C., has moved for and obtained a Preliminary Injunction in the above entitled matter preliminarily enjoining SAMUEL L. JONES JR. and RADIO ONE, INC., and all those acting in concert or participation with them, from using the HUGGY LOWDOWN trademark in any way in connection with radio broadcast or promotion within the Washington, D.C. Total Survey Area, as defined by the Arbitron ratings service, until May 26, 2008. The Order was granted by The Honorable Barbara S. Jones, U.S.D.J., on July 24, 2007, under and by virtue of the Federal Rules of Civil Procedure upon the posting of an undertaking in the sum of TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00).

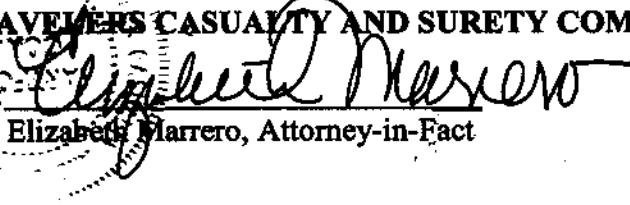
NOW, THEREFORE, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, having an office and principal place of business in the State of New York, at 485 Lexington Avenue, New York, NY 10017, as Surety, authorized to conduct business in the State of New York, does hereby undertake that Defendant INFINITY BROADCASTING CORP. OF WASHINGTON, D.C. n/k/a C.B.S. RADIO INC. OF WASHINGTON, D.C., will pay to SAMUEL L. JONES JR. and RADIO ONE, INC., so enjoined, such damages and costs not exceeding TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00), as they may sustain by reason of the Preliminary Injunction, if the Court shall finally decide that the Defendant was not entitled thereto; such damages and costs to be ascertained by a reference, or otherwise as the Court shall direct.

Dated: NEW YORK, NEW YORK

July 24, 2007

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

BY:

  
Elizabeth Marrero, Attorney-in-Fact

Approved  
7/25/07

S. M. Lee / M. Marrero  
Clock  
By Z \_\_\_\_  
Deputy

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**ACKNOWLEDGEMENT OF SURETY**

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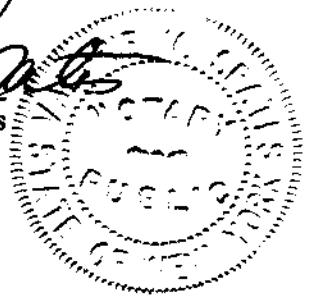
STATE OF NEW YORK)

COUNTY OF NEW YORK) SS:

On this 24<sup>th</sup> day of July, 2007, before me personally appeared, Elizabeth Marrero, who is to me well known, who being by me duly sworn, did depose and say that he/she resides in New York, NY, and that he/she is the Attorney-in-Fact of Travelers Casualty and Surety Company of America, the corporation described in and who executed the within instrument as Surety; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

  
\_\_\_\_\_  
Notary Public or Commissioner of Deeds

VALORIE M. SPATES  
Notary Public, State of New York  
No. 01SP0135425  
Qualified in Queens County  
Commission Expires Oct. 17, 2009



**CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK  
INSURANCE LAW**

**STATE OF NEW YORK  
INSURANCE DEPARTMENT**

It is hereby certified that

**TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA  
of Hartford, Connecticut**

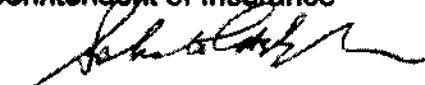
a corporation organized under the laws of the State of Connecticut, and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guarantees and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$1,127,900,751 (Capital \$8,000,000) as is shown by its sworn financial statement for the year ended December 31, 2006 on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 2nd day of May, 2007.

Eric R. Dinallo  
Superintendent of Insurance

By   
Salvatore Castiglione  
Special Deputy Superintendent

State of New York  
INSURANCE DEPARTMENT

WHEREAS IT APPEARS THAT

Travelers Casualty and Surety Company

Home Office Address Hartford, Connecticut

Organized under the Laws of Connecticut

has complied with the necessary requirements of or pursuant to law, it is hereby

licensed to do within this State the business of

accident and health, fire, miscellaneous property, water damage, burglary and theft, glass, boiler and machinery, elevator, collision, personal injury liability, property damage liability, workers' compensation and employers' liability, fidelity and surety, credit, motor vehicle and aircraft physical damage, marine and inland marine, marine protection and indemnity, residual value, gap, and service contract reimbursement insurance, as specified in paragraph(s) 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 26(A)(B)(C)(D), and 28 of Section 1113(a) of the New York Insurance Law, and also such workers' compensation insurance as may be incident to coverages contemplated under paragraphs 20 and 21 of Section 1113(a), including insurances described in the Longshoremen's and Harbor Workers' Compensation Act (Public Law No. 803, 69 Cong. as amended; 33 USC Section 901 et seq. as amended) and as authorized by Section 4102(c), reinsurance of every kind or description to the extent permitted by certified copy of its charter document on file in this Department until July 1, 2008.



In Witness Whereof, I have hereunto set  
my hand and affixed the official seal of this  
Department at the City of Albany, New York, this  
1st day of July, 2007

Eric R. Dinallo  
Superintendent

By *Salvatore Castiglione*  
Salvatore Castiglione  
Special Deputy Superintendent



## POWER OF ATTORNEY

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 Seaboard Surety Company  
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company  
 St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 218261

Certificate No. 001649619

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Robert McDonough, Glenn Pelletiere, Betty Calderon, Debra A. Deming, Vivian Carti, Halina Kazmierczak, Cynthia Farrell, Sandra Diaz, Elizabeth Marrero, Thomas Rhatigan, Evangelina L. Dominick, Annette Leuschner, and Michael Kubis

of the City of New York, State of New York, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 2nd day of February, 2007.

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 Seaboard Surety Company  
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company  
 St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company



State of Connecticut  
 City of Hartford ss.

By:

George W. Thompson, Senior Vice President

On this the 2nd day of February, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
 My Commission expires the 30th day of June, 2011.



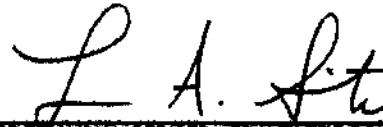
Marie C. Tetreault  
 Marie C. Tetreault, Notary Public

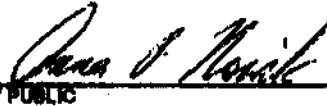
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
 HARTFORD, CONNECTICUT 06183  
 FINANCIAL STATEMENT AS OF DECEMBER 31, 2006  
 AS FILED IN THE STATE OF NEW YORK  
 CAPITAL STOCK \$ 6,000,000

ASSETS	LIABILITIES & SURPLUS
CASH & INVESTED CASH \$ 114,000,701	UNEARNED PREMIUMS \$ 724,600,430
BONDS 2,912,711,571	LOSS 872,911,753
STOCK 14,865,166	LOSS ADJUSTMENT EXPENSES 128,785,154
INVESTMENT INCOME DUE AND ACCRUED 34,978,881	COMMISSIONS 28,079,389
PREMIUM BALANCES 108,157,286	TAXES, LICENSES AND FEES 21,233,762
REINSURANCE RECOVERABLE 3,064,077	OTHER EXPENSES 30,622,925
NET DEFERRED TAX ASSET 42,786,290	DIVIDENDS 7,000,200
DEDUCED DEPOSIT ASSET 6,194,822	CURRENT FEDERAL AND FOREIGN INCOME TAXES 36,729,882
STATE SURCHARGES RECEIVABLE 140,430	DEDUCED REINSURANCE NET PREMIUMS PAYABLE (4,981,002)
OTHER ASSETS (4,414,080)	FUND'S HELD UNDER REINSURANCE TREATIES 89,064,332
	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS 30,006,830
	REMITTANCES AND ITEMS NOT ALLOCATED 60,265,233
	PROVISION FOR REINSURANCE 6,269,561
	PAYABLE TO PARENT, SUBSIDIARIES & AFFILIATES 66,268,776
	PAYABLE FOR SECURITIES 4,975,100
	RETROACTIVE REINSURANCE RESERVE ASSUMED 20,845,771
	OTHER ACCRUED EXPENSES AND LIABILITIES 119,334
	TOTAL LIABILITIES \$ 2,164,276,382
	CAPITAL STOCK \$ 6,000,000
	PAID IN SURPLUS 303,297,402
	OTHER SURPLUS 317,640,802
	TOTAL SURPLUS TO POLICYHOLDERS \$ 1,127,138,204
TOTAL ASSETS \$ 3,321,414,500	TOTAL LIABILITIES & SURPLUS \$ 3,321,414,500

STATE OF CONNECTICUT )  
 COUNTY OF HARTFORD )  
 CITY OF HARTFORD )

LAWRENCE A. BIUTA, BEING DULY SWEORN, SAYS THAT HE IS CHIEF FINANCIAL OFFICER - TRAVELERS BOND & FINANCIAL PRODUCTS, OF TRAVELERS CASUALTY SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 31st DAY OF DECEMBER, 2006.

  
 CHIEF FINANCIAL OFFICER - TRAVELERS BOND & FINANCIAL PRODUCTS

  
 NOTARY PUBLIC

Anna P. Nowik Notary Public  
 My Commission Expires June 30, 2011

SUBSCRIBED AND SWEORN TO BEFORE ME THIS  
 25TH DAY OF MARCH, 2007

